

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ DRIVER'S LICENSES

The SECRETARY OF STATE adopted emergency amendments to Issuance of Licenses (92 IAC 1030; 46 Ill Reg 1377) effective 1/3/22, modifying emergency amendments that were effective 12/17/21 (46 Ill Reg 554) for the remainder of their 150-day term. An identical proposed rulemaking appears in this week's *Illinois Register* at 46 Ill Reg 1332. For persons whose driver's licenses expired or will expire from 1/1/20 through 3/31/22, and for persons who apply for new licenses through 3/31/22, the emergency and proposed rulemakings provide that road tests will be required for persons age 79 and older (normally, 75 and older) who are renewing driver's licenses. Additionally, for driver's license holders whose license expired or will expire during this period and whose violation record would have required them to take a written test

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

Peremptory Rule, Page 3

Next JCAR Meeting:
Tues. Jan. 18, 10:30 a.m.
C-600, Bilandic Bldg. Chicago

in their current renewal cycle, the testing requirement has been deferred for another renewal cycle. For Commercial Driver's License (CDL) holders/applicants and Commercial Learner's Permit (CLP) holders, these rulemakings extend through 1/31/22 the expiration dates of CDLs and CLPs that expired or will expire

from 11/1/21 through 1/31/22. Out-of-state CDL holders who are applying for an Illinois CDL with the same endorsements are exempt from taking certain tests unless they are age 75 or older. (Out-of-State applicants seeking a new endorsement or upgraded classification must still take these tests.) These rulemakings also implement a federal waiver that, through 2/28/22, waives the 14-day waiting period between issuance of a CLP and taking pre-trip, skills and road tests for a CDL. Those affected by these rulemakings include CDL holders and their employers.

Questions/requests for copies/comments on the proposed rulemaking through 2/28/22: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Emergency Rules

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■ CHILD CARE GRANTS

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 46 Ill Reg 1335) effective 1/1/22 for a maximum of 150 days. Identical proposed amendments appear in this week's *Register* at 46 Ill Reg 1326. The emergency and proposed rulemakings establish the Strengthen & Grow Child Care Grant Program, a new American Rescue Plan Act (ARPA)-funded grant program for child care providers. Day care providers are eligible for these grants if they were licensed by DCFS as of 3/11/21 (the effective date of ARPA); are currently open and accepting children on a year-round basis; have enrolled, in any given month from 1/1/20 through 12/31/22, a number of children equal to or greater than 10% of licensed capacity subsidized through the DHS Child Care Assistance Program (CCAP); and generally do not receive more than 50% of their revenue from Head Start, Early Head Start, Preschool for All or the Prevention Initiative. Grant amounts will be based on the day care provider's enrollment and on the Social Vulnerability Index (a measure of economic hardship and public health impact, created by the federal Centers for Disease Control and Prevention) of the census tract in which the provider is located. Grants will be issued on a quarterly basis, with providers reapplying and submitting a budget outlining how their grant money will be spent every 3

months. Costs covered by these grants must not have been reimbursed or covered by other grants, refundable loans or tax credits from any other source. Eligible expenses include existing staff wages and benefits; occupancy costs; materials and supplies; and professional services. At least 50% of the total amount awarded must be spent on new or expanded investments related to personnel, including but not limited to: increases in staff wages/compensation (including hazard pay or ongoing staff bonuses); new or expanded health, dental and vision insurance; new or expanded scholarships, professional development/training, paid sick or family leave, or retirement contributions; support for staff to access COVID-19 vaccines, including paid time off for vaccine appointments and management of side effects and transportation costs to vaccine appointments; recruitment of new child care workers and retention of current workers (including recruitment/retention bonuses); efforts to strengthen workforce diversity to meet children's and families' needs; new or expanded infant and early childhood mental health consultation; and new or expanded mental health consultations and supports for staff. (DHS' previously established, ARPA-funded child care grant programs cover a more limited range of expenses.) Grant awards are subject to the Grant Accountability and Transparency Act, other applicable State and federal laws, and reporting requirements contained in these

rules. Child care providers, including day care homes and centers and preschools, are affected by these rulemakings.

■ DISABILITY SERVICES

DHS also adopted emergency amendments to Developmental Disabilities Services (89 IAC 144; 46 Ill Reg 1347) effective 12/28/21 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Register* at 46 Ill Reg 1329. The emergency and proposed rulemakings implement the fiscal year 2022 provider rate adjustment for community-based service providers for persons with intellectual or developmental disabilities. Effective 1/1/22 or upon federal approval, providers will receive a rate increase sufficient to raise staff pay by \$1.50 per hour, of which 75 cents per hour must be allotted to direct support personnel (DSPs) and the remaining 75 cents may be split between DSPs and other frontline staff. Also effective 1/1/22, providers will receive a rate increase sufficient to raise pay for non-executive direct care staff other than DSPs to the mean hourly wage reported by the federal Bureau of Labor Statistics (BLS) for their respective job titles. Pay increases already provided either voluntarily or pursuant to a local minimum wage increase since 7/1/21 will count toward the wage increases required by this rulemaking. Community-based providers of ID/DD services are affected.

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Emergency Rules

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Questions/requests for copies/ comments on the 2 DHS proposed rulemakings through 2/28/22: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, (217) 785-9772.

■ TRAMPOLINE COURTS

The DEPARTMENT OF LABOR adopted emergency amendments to Amusement Ride and Attraction Safety Act (56 IAC 6000; 46 Ill Reg 1353) effective 1/1/22 for a maximum of 150 days. The emergency amendments implement Public Act 102-255 by adding trampoline courts to the amusement rides and attractions regulated under the Act and this Part. The emergency rule incorporates national ASTM standards for trampoline court construction and maintenance; applies a permit fee of \$25 and inspection fee of \$105 to “other amusement attractions not otherwise specified” in the Part, including trampoline courts; and requires trampoline courts to be in compliance with the inspection and permitting requirements by 2/1/22. Courts must be inspected by a third party at least once a year

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 46 Ill Reg 1388) effective 12/30/21, implementing a memorandum of understanding between CMS and the Illinois Federation of Teachers that assigns the Educator-Career and

and after any major design component has been modified. Third-party inspectors must be accredited by the International Association of Trampoline Parks or have another equivalent certification. Designs for trampoline courts must be reviewed and sealed by a licensed professional engineer before being submitted to DOL for approval. Courts must also have operating manuals on site, be equipped with appropriate safety devices (e.g., impact-absorbing materials, landing mats, nets), have emergency plans that have been reviewed by local police and fire departments, and have at least one attendant or assistant for every 32 patrons. A manager who is at

Peremptory Rule

Technical position at the Illinois School for the Deaf (operated by the Department of Human Services) to an IFT bargaining unit and pay grade.

Questions/requests for copies: Jason R. Doggett, CMS, 504 Stratton Building, Springfield IL 62706, 217/782-4267, fax 217/524-4570, CMS.PayPlan@Illinois.gov

least 21 years old and holds a current Red Cross first aid and CPR certificate or equivalent must be present on site at all times that the court is in operation. Court owners who have received permits may disclose their permit status in advertising and promotional materials, but may not advertise their facilities as being otherwise endorsed by DOL or the State. Amusement facilities with trampoline courts are affected by this emergency rule.

Questions/requests for copies: Anna Koeppel, DOL, 524 S. Second St., Suite 400, Springfield IL 62701, 217/558-1270, Anna.Koeppel@illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will appear in next week's *Illinois Register* and will be considered at the February 15, 2022, JCAR meeting in Springfield. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 45 Ill Reg 12961) proposed 10/15/21

STATE EMPLOYEES' RETIREMENT SYSTEM

The Administration and Operation of the State Employees' Retirement System of Illinois
(80 IAC 1540; 45 Ill Reg 14138) proposed 11/12/21

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Donald DeWitte	Representative Frances Ann Hurley
Senator Kimberly Lightford	Representative Steven Reick
Senator Tony Muñoz	Representative Curtis Tarver, II
Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

Kim Schultz
Executive Director